

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

NORTHWEST ADMINISTRATORS, INC.,

Plaintiff,

v.

ROSS ISLAND SAND & GRAVEL CO.,  
an Oregon corporation,

Defendant.

No.

COMPLAINT TO COLLECT  
TRUST FUNDS

I.

Plaintiff, Northwest Administrators, Inc., is an organization incorporated under the laws of the State of Washington, with its principal place of business in King County, and is the authorized administrative agency for and the assignee of the Western Conference of Teamsters Pension Trust Fund (hereinafter "Trust").

II.

The Western Conference of Teamsters Pension Trust Fund is an unincorporated association operating as a Trust Fund pursuant to Section 302 of the Labor Management Relations Act of 1947, as amended, to provide retirement benefits to eligible participants.

III.

This Court has jurisdiction over the subject matter of this action under Section 502(e)(1) and (f) of the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. §1132(e)(1) and (f) and under §301(a) of the Taft-Hartley Act, 29 U.S.C. §185(a).

IV.

Venue is proper in this District under Section 502(e)(2) of ERISA, 29 U.S.C. §1132(e)(2), because the plaintiff trust fund is administered in this District.

V.

Defendant is an Oregon corporation.

VI.

Defendant is bound to a collective bargaining agreement with Local 81 and 162 of the International Brotherhood of Teamsters (hereinafter "Locals"), under which the Defendant is required to promptly and fully report for and pay monthly contributions to the Trust at specific rates for each hour of compensation (including vacations, holidays, overtime and sick leave) the Defendant pays to its employees who are members of the bargaining unit represented by the Locals. Such bargaining unit members are any of the Defendant's part-time or full-time employees who perform any work task covered by the Defendant's collective bargaining agreements with the Locals, whether or not those employees ever actually join the Locals.

VII.

Defendant accepted the Plaintiff's Trust Agreement and Declaration and agreed to pay liquidated damages equal to twenty percent (20%) of all delinquent

1 and delinquent contributions due to the Trust, together with interest accruing  
 2 upon such delinquent contributions at varying annual rates from the first day of  
 3 delinquency until fully paid, as well as attorney's fees and costs the Trust incurs in  
 4 connection with the Defendant's unpaid obligations.

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 6 VIII.

7 Defendant submitted remittance reports for the month of November 2015, but  
 8 failed to pay the total contributions owed for that month. The total contributions still  
 9 owed for said period are \$9,356.22. Based upon Defendant's unpaid contributions  
 10 for the month of November 2015, Defendant is further obligated for liquidated  
 11 damages in the amount of \$1,871.24, as well as interest accruing and attorney's fees  
 12 and costs.

13 WHEREFORE, the Plaintiff prays to the Court as follows:

14 1. That Defendant be compelled to render a monthly accounting to the  
 15 Plaintiff's attorneys and set forth in it the names and respective social security  
 16 numbers of each of the Defendant's employees who are members of the bargaining  
 17 unit represented by the Locals, together with the total monthly hours for which the  
 18 Defendant compensated each of them, for the employment period after November  
 19 2015 to the date of service of this Complaint to collect Trust Funds, and for whatever  
 20 amounts may thereafter accrue;

21 2. That it be granted judgment against Defendant for:

22 a. All delinquent contributions due to the Trust;

23 b. All liquidated damages and pre-judgment interest due to the

24 Trust;

- 1 c. All attorney's fees and costs incurred by the Trust in connection  
2 with the Defendant's unpaid obligation; and  
3 d. Such other and further relief as the Court may deem just and  
4 equitable.  
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6 Respectfully submitted,

7 REID, McCARTHY, BALLEW & LEAHY,  
8 L.L.P.

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12 Russell J. Reid, WSBA #2560  
13 Attorney for Plaintiff  
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